

### **REMARKS**

Claims 1-20 are currently pending in the subject application and are presently under consideration. Claims 1, 4, 13, and 15 have been amended to better describe certain aspects of the invention. Claims 17-20 have been added to further describe the invention. Support for the amendments and new claims exists at page 24, line 28; and page 28, lines 3-6 of the specification and original claims 6 and 10-12. Favorable reconsideration of the subject patent application is respectfully requested in view of the Terminal Disclaimer, comments, and amendments herein.

#### **I. Rejection of Claims 1, 2, 6, 8, 9, and 13 For Double Patenting**

Claims 1, 2, 6, 8, 9, and 13 stand rejected for non-statutory obviousness-type double patenting over claims 1, 15, and 16 of co-pending Application No. 10/189,326. A Terminal Disclaimer is enclosed herewith rendering the rejection moot.

#### **II. Claim 4 Objection**

Claim 4 has been amended herein to provide proper antecedent basis for the claim element *enclosure*. Withdrawal of this objection is respectfully requested.

#### **III. Rejection of Claims 1-4, 6-10, 13, and 14 Under 35 U.S.C. §102(b)**

Claims 1-4, 6-10, 13, and 14 stand rejected under 35 U.S.C. §102(b) as being anticipated by Vock, et al. (US 5,798,519). Claims 1 and 13 have been amended herein to recite a microscopic optical system and a microscopic lens configuration. Vock et al. fails to teach a microscopic system or microscopic lens configuration as claimed and is completely unrelated to the recited claims. Vock et al. relates to a system for determining the flight and distance of golf balls at a range equipped with a video camera. This type of video analysis for determining distances on a driving range is completely unrelated to the claimed invention which recites mapping diffraction limited spots at a *microscopic* level to about the size of a detector pixel. In other words, the video analysis system of Vock et al. is not a digital microscope. Since Vock et al. fails to teach each and every element of the claimed invention, withdrawal of this rejection is respectfully requested.

**IV. Rejection of Claims 15 and 16 Under 35 U.S.C. §102(b)**

Claims 15 and 16 stand rejected under 35 U.S.C. §102(b) as being anticipated by Maekawa et al. (US 5,769,076). Claim 15 has been amended herein to recite a ***holographic*** diffuser. Maekawa et al. fails to teach a digital microscope optical system employing a holographic diffuser. Withdrawal of this rejection is respectfully requested.

**V. Rejection of Claim 5 Under 35 U.S.C. §103(a)**

Claim 5 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Vock, et al. (US 5,798,519) as applied to claim 1, and in view of Drobot, et al. (20020110077). Drobot et al. does not make up for the aforementioned deficiencies of Vock et al. noted above with respect to amended claim 1. In particular, Drobot et al. fails to teach or suggest a digital microscope optical system or lens configuration that scales a diffraction limited spot to about the size of a pixel at a microscopic level as recited in claim 1 from which claim 5 depends. As such, withdrawal of this rejection is respectfully requested.

**VI. Rejection of Claims 11 and 12 Under 35 U.S.C. §103(a)**

Claims 11 and 12 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Vock, et al. (5798519) as applied to claim 1, and in view of Soenksen, et al. (US 6,711,283). Soenksen et al. does not make up for the aforementioned deficiencies of Vock et al. noted above with respect to amended claim 1. In particular, Soenksen et al. fails to teach or suggest a digital microscope optical system or lens configuration that scales a diffraction limited spot to about the size of a pixel at a microscopic level as recited in claim 1 from which claims 11 and 12 depend. Withdrawal of this rejection is respectfully requested.

**VII. Petition for Extension of Time**

A request for a three month extension of time is hereby made (small entity status has been established). A Credit Card charge form is enclosed herewith to pay the petition fees.

**CONCLUSION**

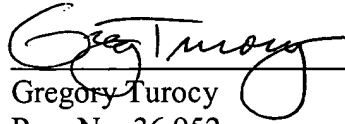
The present application is believed to be in condition for allowance in view of the above comments and amendments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063.

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicants' undersigned representative at the telephone number below.

Respectfully submitted,

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